



IRW

## PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 03-465-B (400.138))

In the Application of:

McSwiggen et al. ) Examiner: TBA

Serial No.: 10/720,448 ) Group Art Unit: 1635

Filed: November 24, 2003 ) Confirmation No.4875

For: RNA Interference Mediated Inhibition of Gene )  
Expression Using Chemically Modified Nucleic )  
Acid (siNA) )

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

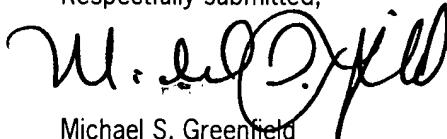
Attention: Office of Initial Patent Examiner's  
Customer Service Center

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
2. Request for Corrected Filing Receipt;
  - a) copy of Filing Receipt with changes noted thereon; and
  - b) Exhibit A; copy of Petition to Accord Express Mail "Date-In" as Filing Date, filed 8/3/04
  - c) postcard.
3. With respect to fees:
  - a) A fee is not required at this time.
  - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on August 9, 2004.

Respectfully submitted,



Michael S. Greenfield  
Registration No. 37,142

Date: August 9, 2004



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 03-465-B (400.138))

In re Application of: )  
McSwiggen et al. ) Examiner: TBA  
Serial No.: 10/720,448 ) Group Art Unit: 1635  
Filed: November 24, 2003 ) Confirmation No. 4875  
For: RNA Interference Mediated Inhibition of )  
Gene Expression Using Chemically )  
Modified Nucleic Acid (siNA) )

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Office of Initial Patent Examiner's  
Customer Service Center

Dear Sir:

1. Attached is a copy of the official filing receipt received from the PTO in the above-referenced application for which issuance of a corrected filing receipt is respectfully requested.
  
2. There are errors with respect to the following data, which is incorrectly entered.

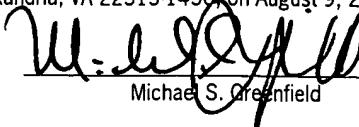
Error In:

Domestic Priority Data as Claimed by Applicants: PCT/US02/15876 filed 5/20/02  
Foreign Applications: PCT/US02/15876, filed 5/20/02

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450, on August 9, 2004.

Date: August 9, 2004



Michael S. Greenfield

**Correct Data:**

Domestic Priority Data as Claimed by Applicants: PCT/US02/15876 filed 5/17/02  
Foreign Applications: PCT/US02/15876, filed 5/17/02

**Error In:**

Applicants: Fosnaugh Kathy  
                  Jamison Sharon  
                  Usman Nassim  
                  Thompson James  
                  Vargeese Chandra  
                  Wang Weimen

**Correct Data:**

Applicants: Kathy Fosnaugh  
                  Sharon Jamison  
                  Nassim Usman  
                  James Thompson  
                  Chandra Vargeese  
                  Weimin Wang

3. The correction is not due to any error by applicant and, accordingly, no fee is due. Applicants submitted the correct priority information on the Application Data Sheet filed with this application. The PTO listed erroneous information in the filing receipt due, it appears, to incorrect data that was in the PTO records. A request for a correction of the data in the PTO database has been submitted, and a copy of that request is attached hereto as Exhibit A.

Respectfully submitted,



\_\_\_\_\_  
Michael S. Greenfield  
Registration No. 37,142

Date: August 9, 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 12 2004

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR (C) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/720,448	11/24/2003	1635	385	03-465-B (400/138)	95	17	1

CONFIRMATION NO. 4875

020306

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
 300 S. WACKER DRIVE  
 32ND FLOOR  
 CHICAGO, IL 60606

## FILING RECEIPT



\*OC000000013170979\*

DOCKETED

JUL 12 2004

105 Foreign Filing  
 DUE DATE: 240804 112404  
 BY: 03

Date Mailed: 07/08/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

James McSwiggen, Boulder, CO;  
 Bharat M. Chowriira, Louisville, CO;  
 Leonid Beigleman, Longmont, CO;  
 Dennis Macejak, Arvada, CO;  
 Shawn Zinnen, Denver, CO;  
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 Peter Haeberli, Berthoud, CO;  
 David Morrisey, Boulder, CO;  
 Fosnaugh Kathy, Boulder, CO; *Kathy Fosnaugh*  
 Jamison Sharon, Boulder, CO; *Sharon Jamison*  
 Usman Nassim, Lafayette, CO; *Nassim Usman*  
 Thompson James, Lafayette, CO; *James Thompson*  
 Vargeese Chandra, Broomfield, CO; *Chandra Vargeese*  
 Wang Weimen, Superior, CO; *Weimen Wang*  
 Tongqian Chen, Longmont, CO;  
 Narendra Vaish, Denver, CO;

## Assignment For Published Patent Application

Sirna Therapeutics, Inc.;

## Domestic Priority data as claimed by applicant

This application is a CIP of 10/693,059 10/23/2003 /  
 which is a CIP of 10/444,853 05/23/2003 /  
 and is a CIP of 10/652,791 08/29/2003 /  
 which is a CON of 10/422,704 04/24/2003 -

which is a CON of 10/417,012 04/16/2003✓  
 and said 10/693,059 10/23/2003✓  
 is a CIP of PCT/US03/05346 02/20/2003✓  
 and is a CIP of PCT/US03/05028 02/20/2003✓  
 which claims benefit of 60/358,580 02/20/2002 → *correct date (PTO error)*  
 and claims benefit of 60/363,124 03/11/2002✓  
 and claims benefit of 60/386,782 06/06/2002✓  
 and claims benefit of 60/406,784 08/29/2002✓  
 and claims benefit of 60/408,378 09/05/2002✓  
 and claims benefit of 60/409,293 09/09/2002✓  
 and claims benefit of 60/440,129 01/15/2003✓  
 and said PCT/US03/05346 02/20/2003✓  
 claims benefit of 60/358,580 02/20/2002 ← *correct date (PTO error)*  
 and claims benefit of 60/363,124 03/11/2002✓  
 and claims benefit of 60/386,782 06/06/2002✓  
 and claims benefit of 60/406,784 08/29/2002✓  
 and claims benefit of 60/408,378 09/05/2002✓  
 and claims benefit of 60/409,293 09/09/2002✓  
 and claims benefit of 60/440,129 01/15/2003✓  
 and said 10/693,059 10/23/2003✓  
 is a CIP of 10/427,160 04/30/2003  
 and is a CIP of PCT/US02/15876 05/20/2002 ✓ *05/17/02*  
 (\*)Data provided by applicant is not consistent with PTO records.

#### Foreign Applications

If Required, Foreign Filing License Granted: 07/07/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

#### Title

RNA interference mediated inhibition of gene expression using chemically modified short interfering nucleic acid (siNA)

#### Preliminary Class

514

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Agent's reference: 02-312-PCT;600.019

IN THE UNITED STATES RECEIVING OFFICE (RO/US)

International application No. PCT/US02/15876	International filing date (day/month/year) 17 May 2002 (17.05.02)	(Earliest) Priority date (day/month/year) 18 May 2001 (18.05.01)
Title of invention		
Conjugates and Compositions for Cellular Delivery		
Applicant(s) Sirna Therapeutics, Inc.		

TRANSMITTAL LETTER

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: United States Receiving Office (RO/US)  
Jeryl McDowell, Authorized Officer

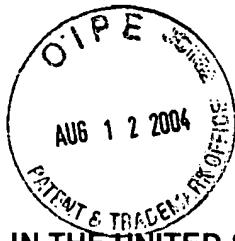
Sir:

In regard to the above-identified application we are transmitting herewith the attached:

1. Petition to Accord Express Mail "Date-In" as Filing Date;
2. Copy of Transmittal letter and postcard;
3. Copy of dated Express Mail Receipt;
4. Return Postcard;
5. There are no fees required.
6. CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.10: The undersigned hereby certifies that this Transmittal Letter and the papers, as described hereinabove, are being sent via Express Mail (Express Mail Label No. EV 334692136 US to Mail Stop PCT, Commissioner of Patents, Box 1450, Alexandria, Virginia 22313-1450.

By

  
Stephen H. Docter  
Attorney for the Applicant(s)



Our Case No. 02-312-PCT (600.019)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Sirna Therapeutics, Inc.

Serial No. PCT/US02/15876

Filing Date: May 17, 2002

For : Conjugates and Compositions for  
Cellular Delivery

**PETITION TO ACCORD EXPRESS MAIL "DATE IN" AS FILING DATE**

Mail Stop PCT RO/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

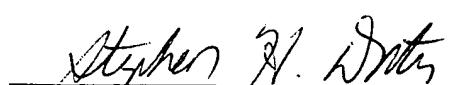
Sir:

Applicants request the correction of the filing date under 37 CFR § 1.10 to accord the Express Mail "Date In" as the filing date of the above referenced application. The application has been accorded the date of receipt of the application with the United States Receiving Office, which differs from the date of deposit of application with the United States Express Mail service number EL 602855817 US.

Attached herewith is a copy of the United States Express Mail Receipt, indicating May 17, 2002 as the "Date In" and therefore, date of deposit under 37 CFR § 1.10. A copy of the postcard and Transmittal letter are also enclosed.

The Commissioner is hereby authorized to charge any fees required to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
Stephen H. Docter  
Registration No. 44,659  
Attorney for Applicants

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker  
Suite 3200  
Chicago, IL 60606  
(312) 913-0001



**TRANSMITTAL LETTER TO THE  
UNITED STATES RECEIVING OFFICE**

PTO-1382 (Rev. 4-1995) (Modified)

PCTUS2.FRPVREVO3

Date	May 17, 2002
International Application No.	
Attorney Docket No.	02-312-PCT;600.019

**I. Certification under 37 CFR 1.10 (if applicable)**

EL602855817US	AUG 12 2002 U.S. POSTAL SERVICE
Express Mail mailing number	

May 17, 2002

Date of Deposit

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of person mailing correspondence

Tina G. Jasso

Typed or printed name of person mailing correspondence

**II.  New International Application**

TITLE	CONJUGATES AND COMPOSITIONS FOR CELLULAR DELIVERY
-------	---

Earliest priority date (Day/Month/Year)
18.05.01

**SCREENING DISCLOSURE INFORMATION:** In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (Note: check as many boxes as apply):

- A.  The invention disclosed was **not** made in the United States.
- B.  There is no prior U.S. application relating to this invention.
- C.  The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on form PCT/RO/101 (Request) and this listing does not constitute a claim for priority).

application no.	60/292,217	filed on	18 May 2001
application no.	60/306,883	filed on	20 July 2001

D.  The present international application  is identical  contains less subject matter than that found in the prior U.S. application(s) identified in paragraph C.

E.  The present international application  contains additional subject matter not found in the prior U.S. application(s) identified in paragraph C. above. The additional subject matter is found on pages \_\_\_\_\_ and  **DOES NOT ALTER**  **MIGHT BE CONSIDERED TO ALTER** the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 CFR 5.1. See 37 CFR 5.15

**III.  A Response to an Invitation from the RO/US. The following document(s) is (are) enclosed:**

- A.  A Request for An Extension of Time to File a Response
- B.  A Power of Attorney (General or Regular)
- C.  Replacement pages:

pages	of the request (PCT/RO/101)	pages	of the figures
pages	of the description	pages	of the abstract
pages	of the claims		

D.  Submission of Priority Documents

Priority document	Priority document
-------------------	-------------------

E.  Fees as specified on attached Fee Calculation sheet form PCT/RO/101 annex

**IV.  A Request for Rectification under PCT 91       A Petition       A Sequence Listing Diskette**

**V.  Other (please specify):** Return Postcard

The person  
signing this  
form is the:

<input type="checkbox"/> Applicant	Stephen H. Docter, Reg. No. 44,659
<input checked="" type="checkbox"/> Attorney/Agent (Reg. No.)	Typed name of signer
<input type="checkbox"/> Common Representative	Stephen H. Docter Signature

Hon. Commissioner of Patents & Trademarks  
Re: Ribozyme Pharmaceuticals, Inc.

Atty: SHD:tgj

PCT Patent Application for "Conjugates and Compositions for Cellular Delivery"  
Case No. 02-312-PCT;600.019

Date Mailed: May 17, 2002

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of the following:

Transmittal Letter with Certificate of Express Mail (1 sheet); PCT Request (Form PCT/RO/101) (6 sheets); PCT Calculation sheet (1 sheet); Description (134 sheets); Claims (55 sheets); Abstract (1 sheet); Drawings (31 sheets).

Respectfully,  
McDonnell Boehnen Hulbert & Berghoff  
Attorney for Applicant

EL602855817US

BEST AVAILABLE COPY